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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN VALENCIA,

Defendant.

CASE NO. 1:22-CR-00062-JLT-SKO

STIPULATION TO VACATE STATUS
CONFERENCE AS TO JUAN VALENCIA AND
SET CASE FOR CHANGE OF PLEA AND ORDER

Court: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on August 30, 2023, at 1:00 p.m.

2. By this stipulation, defendant now moves to vacate the status conference as to JUAN VALENCIA and to **set the case for a change of plea hearing on September 18, 2023 at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing.

3. The parties agree and stipulate, and request that the Court find the following:

a) The discovery associated with this case is voluminous and includes tens of thousands of pages, including investigative reports, photographs and videos, as well as hundreds of hours of recorded telephone conversations pursuant to wiretap orders, many cellular phone

extractions, and large amounts of cellular telephone precise location data and vehicle tracker data. All this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Defense counsel has received a plea agreement from the government and needs the additional time to finalize the agreement and meet with her client to prepare for the change of plea hearing.

c) Counsel for the defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 30, 2023 to October 23, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii), and B(iv) [Local Code T4] because the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section. This stipulation also results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

1 Dated: August 9, 2023

PHILLIP A. TALBERT
United States Attorney

3 By: /s/ JUSTIN J. GILIO
4 JUSTIN J. GILIO
5 Assistant United States Attorney

6 Dated: August 9, 2023

/s/ Anthony Capozzi
Attorney for Defendant Juan Valencia

8
9
10 **ORDER**

11 IT IS SO ORDERED.

12 DATED: 8/15/2023

Sheila K. Oberto
HONORABLE SHEILA K. OBERTO
United States Magistrate Judge